

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, January 6, 2022

Hearing Room 1539

10:00 AM
2:00-00000

Chapter

#0.00 All hearings scheduled for today are now simultaneously 1) In person in Courtroom 1539; 2) Via ZoomGov Video; 3) Via ZoomGov Audio. Parties are free to choose any of these options, unless otherwise ordered by the Court. Parties electing to appear in person shall comply with all requirements regarding social distancing, use of face masks, etc. which will be in effect at the time of the hearing and should be aware that (1) all parties will be required to wear a mask at all times, even when presenting oral argument and (2) Judge Bluebond will not be wearing a mask.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, "Telephonic Instructions."

Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/16161090855>

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Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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2:21-17829 Alex Christopher Gharakhani

Chapter 7

#1.00 U.S. Trustee's Motion to Dismiss Case Pursuant to 11 U.S.C. Section 707(a)

Docket 13

***** VACATED *** REASON: 12/28/21 - VOLUNTARY DISMISSAL OF
MOTION FILED.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Has trustee now received documents? What is the trustee's current view with regard to the need to move forward with this motion? Hearing required.

Party Information

Debtor(s):

Alex Christopher Gharakhani

Represented By
Rosie Barmakszian

Trustee(s):

Jason M Rund (TR)

Pro Se

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2:11-61640 Ramesh Akhtarzad and Sina Akhtarzad

Chapter 11

#2.00 Evidentiary Hearing on Status Conference re: Claim 14 (Allocation Issue)

fr. 11-18-20, 1-12-21, 2-24-21, 5-25-21, 7-20-21, 8-25-21, 10-20-21, 12-2-21

Docket 519

***** VACATED *** REASON: 12/7/21 - ORDER ENTERED RESOLVING
ALLOCATION ISSUE**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Final Ruling from January 12, 2021:

Court rejected claimants' argument that damages arising from the debtor's abandonment of the lease, as represented by the state court judgment, are not capped by 502(b)(6). Judge Neiter calculated the maximum amount of damage for lease termination damages under section 502(b)(6) and this amount will not increase because the state court judgment came out higher. There is nothing to litigate on these issues. Judge Neiter's order capping the damages at \$1,066,000 remains the law of the case.

Judge Neiter did not enter an order that was intended to be final on the issue of the extent to which the legal fees should be included within the cap (*i.e.*, the 90/10 split). Give parties an opportunity to conduct discovery before court conducts an evidentiary hearing on this issue.

State court's decision to make an award of fees and costs jointly and severally in favor of Melrose and Simantob does not make the cap of section 502(b)(6) inapplicable. With regard to both claimants, court will need to determine extent to which fees relate to litigation over lease termination damages (and are therefore within cap) and extent to which fees relate to other disputes (and are therefore not capped).

Court set a discovery cutoff of May 28, 2021 with regard to the attorneys' fees and costs component of the claim.

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CONT... Ramesh Akhtarzad and Sina Akhtarzad

Chapter 11

Court ordered parties to brief whether or not cap of section 502(b)(6) would still apply to the claim if claimant asserts that it was defrauded into entering into the lease and whether the determination made by the state court that claimant's fraud claim is barred by the statute of limitation should be given preclusive effect in this contested matter. Court instructed parties to file simultaneous briefs on these issues not later than February 3, 2021 and instructed them to file reply briefs not later than February 16, 2021. Court set a continued hearing for February 24, 2021 at 11:00 a.m.

Tentative Ruling for February 24, 2021:

The fraud claim that Melrose seeks to assert is that it was fraudulently induced to enter into the lease. Its damage claims therefore remain subject to the 502(b)(6) cap. The additional tort theory of recovery does not change the amount of the damage that may be allowed as against the estate. (See tentative ruling for matter no. 103 as to whether a claim in excess of this amount may be asserted against the debtors on the theory that it is nondischargeable.)

Therefore, the only remaining issues to be resolved in the context of this claim objection are the allocation of attorneys' fees as between the capped and uncapped portion of the claim and the interest accrual calculation (and whether interest can accrue from and after November 21, 2013 on fees that were incurred after this date or whether interest should start to accrue on the later of November 21, 2013 and the date on which the relevant fees were incurred or awarded).

The portion of the fees attributable to litigation over lease termination damages is within the cap (and therefore will not be allowed). The portion that is attributable to something other than litigation over the lease termination damages is not within the cap and may therefore be allowed.

Discuss with the parties how to move forward with the resolution of these issues. (Court has already set discovery cutoff of May 28, 2021 with regard to attorneys' fee issues.)

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Chapter 11

Tentative Ruling for May 25, 2021:

Sustain debtor's evidentiary objections to exhibits 4, 5, 6 and 7 of the claimant's request for judicial notice to the extent that claimant seeks to introduce these documents to prove the truth of the contents of the documents. In response to a request for judicial notice (or even sua sponte), court can take judicial notice of the fact that a document was filed. Court can also take judicial notice of admissions made by a party in prior filings with the court, but that is different from admitting the documents to prove the truth of the matters asserted therein.

Parties agree that the relevant interest rate is 5 percent, as that is what the plan provided. With regard to the dates on which interest began to accrue on the attorneys' fees awarded, under Lucky United Properties Investment Inc. v. Lee, 213 Cal. App. 4th (2013), post judgment interest on a fee award runs from the date the amount of the fee award is fixed, not from the date of the original judgment. Therefore, interest on the amounts awarded for fees incurred at trial begins to accrue on the date the trial fees order was entered (June 14, 2018) and interest on the amounts awarded for fees incurred in connection with the appeal begins to accrue on the date the appellate fees were awarded (November 12, 2020). Sustain objection to the extent that claimant seeks to bar claimant from recovering interest on its attorneys' fees for any period prior to these dates.

Are parties on track to complete discovery re allocation issues by May 28, 2021? If not, when will the parties be in a position to schedule an evidentiary hearing to resolve allocation issues?

6/2/21 -- Court approved stipulation continuing evidentiary hearing to August 25, 2021 at 10:00 a.m. (See order for revised briefing dates.)

7/13/21 -- Court approved stipulation continuing evidentiary hearing to October 20, 2021 at 10:00 a.m. (See order for additional dates.)
APPEARANCES WAIVED ON AUGUST 25, 2021.

10/12/21 -- Court approved stipulation continuing evidentiary hearing to December 2, 2021 at 10:00 a.m. APPEARANCES WAIVED ON OCTOBER

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20, 2021.

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11/18/21 -- Court approved stipulation continuing evidentiary hearing to January 6, 2022 at 10:00 a.m. APPEARANCES WAIVED ON DECEMBER 2, 2021.

12/7/21 -- Court approved stipulation resolving allocation issue. OFF CALENDAR. NO APPEARANCE REQUIRED.

Party Information

Debtor(s):

Ramesh Akhtarzad

Represented By
David L. Neale
John-patrick M Fritz
Jeffrey S Kwong
Richard P Steelman Jr

Joint Debtor(s):

Sina Akhtarzad

Represented By
David L. Neale
John-patrick M Fritz
Jeffrey S Kwong
Richard P Steelman Jr

Movant(s):

Jack Simantob, 8451 Melrose

Represented By
Dean G Rallis Jr
Kyra E Andrassy
Lewis R Landau

Trustee(s):

Thomas C Hebrank (TR)

Represented By
J. Barrett Marum
Robert K Sahyan
Aaron J Malo

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2:21-18863 The Lakeside Trust

Chapter 11

#3.00 U.S.Trustee's Motion Under 11 U.S.C. 1112(b)(1) to Convert, Dismiss, or
Appoint a Chapter 11 Trustee

Docket 16

Courtroom Deputy:

ZoomGov Appearance by:

1/5/22 - Eryk Escobar

Tentative Ruling:

Debtor is a nonindividual without counsel that has not filed documents required for a subchapter V debtor or most of the documents required for a nonsubchapter V chapter 11 debtor. This was a "facesheet" filing and none of the deficiencies have been remedied. Debtor failed to attend the IDI. Grant motion. US Trustee recommends conversion rather than dismissal. Why? Hearing required.

Party Information

Debtor(s):

The Lakeside Trust

Pro Se

Trustee(s):

Moriah Douglas Flahaut (TR)

Pro Se

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2:21-11627 BV Glendora LLC, a Colorado limited liability comp

Chapter 11

#4.00 Palo & Crystal Plesnik's Motion for Dismissal of the Case Pursuant to 11 U.S.C. Section 1112(b), or, Alternatively, for Relief from the Automatic Stay Pursuant to 11 U.S.C. Section 362(d)

fr. 9-1-21, 10-13-21, 12-15-21

Docket 48

Courtroom Deputy:

ZoomGov Appearance by:

1/3/22 - Marc Forsythe

1/5/22 - Eryk Escobar

1/5/22 - Richard Girgado

Tentative Ruling:

Tentative Ruling for September 1, 2021:

Deny request for dismissal. Movant has not established that the filing was in bad faith. It is beyond dispute that the debtor's ability to operate the property as a fitness facility was negatively impacted by the pandemic and that a reorganization was necessary.

With regard to request for relief from stay, court is not yet ready to conclude that there is no reasonable prospect of reorganization within a reasonable period. Now that a plan and disclosure statement have been filed, court will make that assessment in the context of the plan confirmation process.

Revisit motion at conclusion of related matters on calendar. If court continues hearing on disclosure statement, continue hearing on request for relief from stay to coincide with continued hearing on disclosure statement.

Final Ruling for September 1, 2021:

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Continue hearing to October 13, 2021 at 2:00 p.m. to be heard concurrently with other matters on file that date.

Tentative Ruling for December 16, 2021:

Revisit motion after conclusion of related matters on calendar.

Final Ruling for December 16, 2021:

Parties report that they have reached agreement on all material terms of plan and that this motion will be withdrawn if amended plan is confirmed.

Continue hearing to January 6, 2022 at 10:00 a.m. to coincide with continued confirmation hearing.

Tentative Ruling for January 6, 2022:

Revisit status of motion after conclusion of hearing on plan confirmation.

Party Information

Debtor(s):

BV Glendora LLC, a Colorado

Represented By
Jeffrey S Shinbrot

Movant(s):

Palo Plesnik

Represented By
Stella A Havkin
Robert S Marticello
Michael Simon

Crystal Plesnik

Represented By
Robert S Marticello
Michael Simon

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2:21-11627 BV Glendora LLC, a Colorado limited liability comp

Chapter 11

#5.00 Status Conference re: Debtor's Motion To Approve Post-Petition Financing On An Administrative Priority Basis Pursuant to 11 U.S.C. Section 364(b) & Grant Administrative Priority Status To Amounts Advanced to Date

fr. 9-1-21, 10-13-21, 12-16-21

Docket 49

Courtroom Deputy:

ZoomGov Appearance by:

1/3/22 - Marc Forsythe

1/5/22 - Eryk Escobar

1/5/22 - Richard Girgado

Tentative Ruling:

Tentative Ruling for September 1, 2021:

Secured creditor has objected to the financing on a variety of grounds. One such objection is that the motion is premature and should be considered in conjunction with confirmation; however, if the Court correctly understands the terms of the proposed financing, it is a condition precedent to the effectiveness of the financing that an order confirming a plan be entered on or before March 31, 2022. If this is correct, court is not troubled that the financing will be considered in advance of confirmation.

Secured creditor objects that this is not an arms-length financing. That is true, obviously, but the closeness of the relationship has resulted in a financing that is far more favorable to the debtor than anything that an independent lender would provide. The loan is unsecured. The interest rate is zero percent, and no payments are due for a period of three years after the effective date. Secured creditor is also concerned that the lender is not required to provide any funding and that, in light of the nature of the

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relationship between the borrower and the lender, the two may collude in such a way as to shift risk from the lender to the secured creditor. Court agrees that there may be opportunities for mischief here in light of the fact that, once payments fall due under the new financing, the debtor could voluntarily default, resulting in acceleration of the entire indebtedness, or the fact that the debtor could conduct itself in such a way as to cause a termination of the financing, again resulting in an acceleration of the entire indebtedness. Order approving financing could address these issues by providing, for example, that the debtor is prohibited from prepaying amounts due lender without secured creditor's consent and that secured creditor shall be permitted to accelerate its debt and exercise its rights and remedies (i.e., foreclose) in the event that the financing from Cadence terminates or accelerates.

With regard to the request for "retroactive" approval of the amounts expended by Cadence to date, secured creditor seems to miss that no court approval is required for the debtor to incur unsecured credit in the ordinary course of business and that debt incurred post-petition in this manner for expenses that clearly benefit the estate would be administrative expenses that would need to be paid in full on the effective date of a plan. Here, the debtor is agreeing that these amounts were advances rather than capital contributions, but the lender is agreeing that they need not be repaid until three years after the effective date of a plan. The court is comfortable with the evidence provided by the debtor as to the extent to which incurring debt in this manner for expenses of this kind are ordinary in the industry (and that Rothacker, who owns 100 percent of the lender can testify from personal knowledge on behalf of the lender as well as the debtor), but court agrees with secured creditor that it is not entirely clear that it was within the ordinary course of business for Cadence and the debtor to treat amounts paid by Cadence for the benefit of the debtor as loans rather than as capital contributions (see recitation in MOR as to amount of prepetition unsecured debt, which did not include amounts advanced by Cadence) or that it was the intention of the parties when Cadence paid these expenses that these payments be treated as loans. (It might still be in the debtor's best interest to agree to treat these advances as loans, even if there is an argument that they should be treated as capital contributions in light of the other benefits available under/from the financing, but the motion has not presented the facts in this light or requested approval

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of a compromise.)

Chapter 11

Accordingly, subject to the modification referenced above, grant motion to the extent that it seeks approval of post-confirmation financing. Continue hearing with regard to debtor's request for an order determining that amounts already advanced post-petition should be treated as expenses of administration and set schedule for further briefing and evidentiary hearing.

Final Ruling for September 1, 2021:

Grant insofar as motion seeks authority to advance funds in future, conditioned on confirmation of plan and debtor's willingness to add the provisions proposed in tentative ruling. Set continued hearing for October 13, 2021 at 11:00 a.m. with regard to request to have funds already advanced treated as expense of administration/post-petition loan rather than as capital contribution. (Hearing will be conducted as a status conference. Court did not set additional briefing schedule.)

Tentative Ruling for October 13, 2021:

What, if anything, has transpired with regard to this matter since the September 1, 2021 hearing?

Tentative Ruling for December 16, 2021:

Would confirmation of the plan moot this issue? How is the existing advance to be treated under the plan? Hearing required.

Final Ruling from December 16, 2021:

Remaining issues will be resolved by consensual plan. (All creditors will be paid before loan repaid). Continue hearing to January 6, 2022 at 10:00 a.m. to be heard concurrently with plan confirmation.

Tentative Ruling for January 6, 2022:

Revisit status of motion after conclusion of hearing on plan confirmation.

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Chapter 11

Debtor(s):

BV Glendora LLC, a Colorado

Represented By
Jeffrey S Shinbrot

Movant(s):

BV Glendora LLC, a Colorado

Represented By
Jeffrey S Shinbrot

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2:21-11627 BV Glendora LLC, a Colorado limited liability comp

Chapter 11

#6.00 Confirmation Hearing re: Second Amended Chapter 11 Plan of Reorganization

FR. 12-16-21

Docket 95

Courtroom Deputy:

ZoomGov Appearance by:

1/3/22 - Marc Forsythe

1/5/22 - Eryk Escobar

1/5/22 - Richard Girgado

Tentative Ruling:

Tentative Ruling for December 16, 2021:

Tentative Ruling withheld. Parties report that issues have been resolved consensually.

Final Ruling for December 16, 2021:

Continue hearing to January 6, 2022 at 10:00 a.m. to give parties an opportunity to prepare amended plan memorializing parties' consensual resolution of issues.

Tentative Ruling for January 6, 2022:

Confirm debtor's third amended plan. Approve proposed form of confirmation order that debtor has lodged. Set post confirmation status conference for May 4, 2022 at 11:00 a.m. (not 10:00 a.m. as set forth in proposed order). Direct reorganized debtor to file post-confirmation status report, accompanied by a declaration, not later than April 22, 2022.

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Chapter 11

Debtor(s):

BV Glendora LLC, a Colorado

Represented By
Jeffrey S Shinbrot

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2:21-11627 BV Glendora LLC, a Colorado limited liability comp

Chapter 11

#6.10 Confirmation Hearing re: Third Amended Chapter 11 Plan of Reorganization

Docket 123

Courtroom Deputy:

ZoomGov Appearance by:

1/5/22 - Eryk Escobar

1/5/22 - Richard Girgado

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

BV Glendora LLC, a Colorado

Represented By
Jeffrey S Shinbrot

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2:21-11627 BV Glendora LLC, a Colorado limited liability comp

Chapter 11

#7.00 Scheduling and Case Management Conference in a Chapter 11 Case

fr. 4-21-21, 6-15-21, 9-1-21, 10-13-21, 12-16-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

1/3/22 - Marc Forsythe

1/5/22 - Eryk Escobar

1/5/22 - Richard Girgado

Tentative Ruling:

Tentative Ruling from April 21, 2021:

Set bar date and deadline for debtor to serve notice of bar date. Would it make sense for the court to order the debtor and the seller to mediation or are negotiations proceeding well on their own? Hearing required.

4/26/21 -- Court approved scheduling order with following dates:

L/D to serve notice of bar date -- April 28, 2021

Bar date -- July 1, 2021

L/D to file updated status report -- June 4, 2021

Cont'd status conference -- June 15, 2021 at 10:00 a.m.

Tentative Ruling for June 15, 2021:

Debtor has filed plan and disclosure statement, but has not set them for hearing. Set date and time for hearing on disclosure statement and deadline for filing oppositions. (Parties are planning to attend mediation in mid-July.) Continue status conference to date of hearing on disclosure statement. Hearing required.

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Tentative Ruling for October 13, 2021:

Revisit status of case after conclusion of hearing on disclosure statement.

Tentative Ruling for December 16, 2021:

If court confirms plan, set post-confirmation status conference for approximately 120 to 180 days after confirmation.

Tentative Ruling for January 6, 2022:

Take case status conference off calendar and set post-confirmation status conference for May 4, 2022 at 11:00 am. Require debtor to file post-confirmation status report, accompanied by a declaration, not later than April 22, 2022.

Party Information

Debtor(s):

BV Glendora LLC, a Colorado

Represented By
Jeffrey S Shinbrot

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2:11-61640 Ramesh Akhtarzad

Chapter 11

Adv#: 2:12-01538 8451 Melrose Property, LLC v. Akhtarzad

#200.00 Status Conference re: Complaint by 8451 Melrose Property, LLC against Ramesh Akhtarzad to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. Sections 523(a)(2)(A) & (B) and 523(a)(6) Nature of Suit: (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (68 (Dischargeability - 523(a)(6), willful and malicious injury))

fr. 11-18-20, 1-12-21, 2-24-21, 5-25-21, 7-20-21, 8-25-21, 10/20/21, 12-2-21

Docket 1

***** VACATED *** REASON: CONT'D. TO 6/14/22 @ 2PM**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

12/22/20 -- Court approved stipulation confirming that nothing precludes claimants from liquidating the amount of their claim in state court.

Tentative Ruling for January 12, 2021 (to the extent applicable to adversary proceeding):

The fraud claim that Melrose seeks to assert is that it was fraudulently induced to enter into the lease. Its damage claims therefore remain subject to the 502(b)(6) cap. If Melrose can demonstrate that it was fraudulently induced to enter into the lease (if this claim is not barred by any applicable statute of limitations), the capped claim would become nondischargeable, but the amount of the claim would remain capped to the same extent as its breach of lease claim. The additional tort theory of recovery does not change the amount of the damage. If the capped claim has already been or will be paid in full, there is no need to determine whether or not the claim should be excepted from the discharge.

The court recently approved a stipulation between the parties. Is it their intention to resolve the extent to which a fraud claim is or is not barred by the statute of limitations in state court? Similarly, is it the parties' intention to

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litigate the malicious prosecution claims in state court?

Final Ruling for January 12, 2021 (insofar as it relates to adversary proceeding):

Before it can determine how to adjudicate this adversary proceeding, court needs to resolve the following issues: (1) whether the cap of 502(b)(6) applies to any nondischargeable liability that the debtors may have for fraud in the inducement; and (2) whether the state court's finding that the plaintiff's fraud claim is barred by the statute of limitations should be given preclusive effect in this adversary proceeding.

Parties are to file simultaneous briefs with regard to these issues not later than February 2, 2021. Reply briefs will be due not later than February 16, 2021. Court will conduct a continued hearing on February 24, 2021 at 11:00 a.m.

Tentative Ruling for February 24, 2021:

Adversary proceeding was never actually dismissed by Judge Neiter. He merely took the hearing off calendar to permit litigation to proceed in state court as between the parties, anticipating that they would return to bankruptcy court once they had reduced the claims to judgment for a determination as to dischargeability. That never happened, as Judge Neither retired and, there being no further hearings on calendar, the court "closed" the adversary proceeding. It was never dismissed. (This is why Judge Bluebond never takes a matter "off calendar" until it has been resolved--so that it will not fall through the cracks.)

This court is bound by the state court's determination as to when the statute of limitations began to run on the plaintiff's fraud claim. According to the state court, the statute of limitations began to run when plaintiff learned that the representations upon which it had relied were untrue, namely on October 22, 2010 when the debtor testified in a deposition that he did not own any property.

This adversary proceeding, including a claim for fraud in the inducement, was

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filed in a timely manner for nondischargeability purposes on April 2, 2012. The underlying state law statute of limitations had not run on the fraud claim as of that date. Conversely, in state court, the plaintiff attempted to add a fraud claim for the first time in its motion to amend complaint in August of 2014. The state court found that the three year statute of limitations had run on October 22, 2013. As this adversary proceeding, including the fraud claims, had been filed by then, there is no statute of limitations problem with this action.

The only authority this Court has been able to locate so far on the issue of whether or not the cap of section 502(b)(6) applies with regard to a nondischargeable claim that may be asserted as against the debtors, as distinguished from a claim that may be asserted against the debtors' estate, is a comment in dicta in a concurrence by former bankruptcy judge Bruce Markell. According to Judge Markell, "claims by landlords for fraud in procuring a lease would be limited by § 502(b)(6)'s limitation on landlords' claims against the estate, with amounts in excess of the limitations being valid against the debtor but unnecessary to the administration of the bankruptcy case." Deitz v. Ford (In re Deitz), 469 B.R. 11, 29 (B.A.P. 9th Cir. 2012).

The rationale behind limiting the amount of a damage claim for breach of lease (ensuring that the landlord's claim does not dwarf the claims of other creditors, entitling the landlord to a disproportionate share of available assets) does not apply in the context of a nondischargeability action as against the debtor, and section 502(b)(6) appears in a section of the code that discusses allowance of claims against the estate, not in section 523 as a limitation on a debtor's nondischargeable liability. Moreover, the introductory language of section 523 says that a discharge does not discharge an individual debtor "from any debt," not from liability for any *allowed claim*. There is nothing in the statutory language to suggest that any of the limitations of section 502 on the claims that may be allowed affect the amount of any debt that may be excepted from discharge under section 523.

Therefore, in the absence of authority to the contrary, this Court is inclined to agree with Judge Markell that the cap of 502(b)(6) should not apply to limit the size of a claim that can be asserted as against the debtors outside of the administration of the bankruptcy case. As a result, even if the entirety of the

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Los Angeles
Judge Sheri Bluebond, Presiding
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Ramesh Akhtarzad

Chapter 11

plaintiff's allowed claims as against the estate are paid in full, this action is not moot in that the debtors have potential exposure for liability in excess of these amounts, provided an appropriate showing can be made under section 523(a).

The state court judgment determines the amount of the lender's damages, but does not have any bearing on whether or not these amounts can be excepted from the discharge. Set discovery cutoff and schedule continued status conference for approximately 90 days. Explore with parties whether this is an appropriate matter to be sent to mediation at this juncture. (Discuss other issues/problems the court has observed with plaintiff's theories of recovery.)

Final Ruling for February 24, 2021:

Tentative ruling became final ruling: (1) 502(b)(6) cap does not limit amount of nondischargeable liability; (2) there is no statute of limitations problem: this action was filed before the applicable statute of limitations ran; (3) plaintiff is not precluded from attempting to prove that the amount of the state court judgment should be treated as nondischargeable, but it cannot increase the amount of that judgment or add a claim for punitive damages.

Continue status conference to May 25, 2021 at 2:00 p.m. Parties are to file an updated status report by May 11, 2021.

Tentative Ruling for May 25, 2021:

Set discovery cutoff for late 2021. Discuss with parties why they don't want this matter sent to mediation.

6/1/21 -- Court approved scheduling order setting discovery cutoff for December 17, 2021. Status conference continued to July 20, 2021 at 10:00 a.m. to coincide with evidentiary hearing. Joint status report due July 6, 2021.

6/2/21 -- Court approved stipulation continuing evidentiary hearing to August 25, 2021 at 10:00 a.m. Continue status conference in adversary proceeding to same date and time. APPEARANCES WAIVED ON JULY 20, 2021.

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7/13/21 -- Court approved stipulation continuing evidentiary hearing to October 20, 2021 at 10:00 a.m. Continue status conference in adversary proceeding to same date and time. APPEARANCES WAIVED ON AUGUST 25, 2021.

10/12/21 -- Court approved stipulation continuing status conference to December 2, 2021 at 10:00 a.m. APPEARANCES WAIVED ON OCTOBER 20, 2021.

11/18/21 -- Court approved stipulation continuing evidentiary hearing to January 6, 2022 at 10:00 a.m. Continue status conference to same date and time. APPEARANCES WAIVED ON DECEMBER 2, 2021.

12/20/21 -- Court approved stipulation continuing status conference to June 14, 2022 at 2:00 p.m. APPEARANCES WAIVED ON JANUARY 6, 2022.

Party Information

Debtor(s):

Ramesh Akhtarzad

Represented By
David L. Neale
John-patrick M Fritz
Jeffrey S Kwong
Richard P Steelman Jr

Defendant(s):

Sina Akhtarzad

Represented By
John-patrick M Fritz
David L. Neale
Richard P Steelman Jr

Joint Debtor(s):

Sina Akhtarzad

Represented By
David L. Neale
John-patrick M Fritz
Jeffrey S Kwong

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Chapter 11

Richard P Steelman Jr

Plaintiff(s):

8451 Melrose Property, LLC

Represented By
Jeffrey I Golden
Beth Gaschen
Kyra E Andrassy
Michael A. Taitelman
Lewis R Landau

Trustee(s):

Thomas C Hebrank (TR)

Represented By
J. Barrett Marum
Robert K Sahyan
Aaron J Malo